CITY OF LODI INFORMAL INFORMATIONAL MEETING "SHIRTSLEEVE" SESSION CARNEGIE FORUM, 305 WEST PINE STREET TUESDAY, SEPTEMBER 13, 2005

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, September 13, 2005, commencing at 7:00 a.m.

A. ROLL CALL

Present: Council Members - Hansen, Hitchcock, Johnson, Mounce, and Mayor Beckman

Absent: Council Members – None

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Blackston

B. TOPIC(S)

B-1 "Review of Code Enforcement processes"

Joseph Wood, Community Improvement Manager, explained that code enforcement is handled by a number of different agencies and departments. The Fire Department's Fire Prevention Bureau conducts commercial inspections and its engine companies inspect apartments. The San Joaquin County Environmental Health Department is involved in commercial establishments such as restaurants, and deals with food preparation issues. The Police Department enforces various sections of the Municipal Code relating to nuisance issues, and the Police Partners assist with the vehicle abatement program. The Community Development Department manages the City's Code Enforcement Program. The first contact made by Community Improvement staff to residents is to inform them of what the requirements are and what is needed in order to bring the property into compliance. Community Improvement strives to balance individual property rights with the community's right to quiet enjoyment of their neighborhood, so that conditions on one individual's property do not have an adverse effect on surrounding properties or the City in general.

Community Development has been established as a special revenue fund under the theory that those who create additional demand for services should be responsible for paying the cost of those services. Community Improvement's initial contact and follow up is considered within its normal scope of services. Those who are not in compliance by a reasonable amount of time are responsible for paying re-inspection and non-compliance fees. The highest priority cases are those which pose an imminent danger to the public (i.e. fire, health, and safety issues) and are responded to within 24 hours. Other highpriority complaints are responded to within ten days. Lower priority complaints are responded to within 30 days and are generally addressed through a written notice. Mr. Wood reported that of 800 complaints received annually, 600 are low priority and 80% compliance is achieved following the issuance of a letter and follow up phone call. Code enforcement deals with substandard housing, dangerous buildings, zoning enforcement, various nuisance issues, Building Division complaints, and referrals from other departments. Uninhabitable conditions are immediately responded to. Vehicle abatement is a nuisance that is deemed a higher priority. Lodi participates in the San Joaquin County Abandoned Vehicle Abatement Service Authority, which provides revenue for abatement activities.

Mr. Wood stated that it is the policy of Community Improvement to keep reporting party information confidential to protect them from possible retribution. Anonymous complaints are discouraged because it is important to have the ability to follow up with the reporting party and find out what is occurring after hours and on weekends to ensure that the property is staying in compliance. Confidentiality is not guaranteed to persons making retaliatory complaints, e.g. those who have been issued a violation notice and submit a list of numerous properties where the same problem exists. Staff has discussed establishing a policy where these complaints would not be received or responded to in instances where there is a code enforcement action pending.

Mayor Pro Tempore Htchcock and Council Member Hansen expressed concern about the inconsistency in keeping reporting party complaints confidential, as the practice appears to penalize those with pending code enforcement actions against them.

Council Member Hansen suggested that if Community Improvement plans on responding to a particular issue where it is known that many properties are in non-compliance, it should coordinate an effort to deal with all of them at the same time and be consistent in its enforcement from the onset.

Mr. Wood reported that the Police Partners assistance is limited to issuing courtesy notices regarding violations noted in front yard areas. Every other week, for one day, the Partners pick up a list of properties from Community Improvement and issue notices for code enforcement violations.

Council Member Mounce stated that she had hoped the Police Partners could assist in proactively reporting code violations that they witness while in the field.

Mr. Wood reported that an administrative hearing process is being established that will allow more expedient adjudication. Issues will be brought before a hearing officer, and individuals will have an opportunity to appeal the issuance of a violation notice or the assessment of non-compliance fees.

Community Improvement has two field staff budgeted for 2005-06, as well as funding for a contract Senior Code Enforcement Officer on a part-time basis. Grant funds in the amount of \$51,000 have been received for the purpose of purchasing a vehicle and computer equipment that will allow staff to remotely access and enter information into the City's database.

Council Member Hansen suggested that Community Improvement and the Neighborhood Watch program be combined to focus on neglected areas and encourage Neighborhood Watch programs to be formed in an effort to improve communication of residents and build a sense of pride.

Mr. Wood replied that the Lodi Improvement Committee is currently working with the Police Department on partnering efforts with the Neighborhood Watch program.

Mr. Wood noted that staff is considering proactive enforcement of unpermitted businesses such as lunch wagons (i.e. mobile food preparation units) and other vendors that sell products on private property. Very few have current business licenses and sales tax should be applied to fixed establishments where food is eaten on site. Violations are occurring such as not having access to restroom facilities after hours, draining waste into storm drains, land use issues, running electrical cords across parking lots, etc.

Council Member Johnson recalled that the same issues were addressed by Council eight years ago and nothing was accomplished.

Council Member Mounce favored a proactive approach to enforcing lunch wagon violations and concentrating code enforcement efforts on neighborhoods that have the highest visual problems.

Mayor Pro Tempore Hitchcock agreed with Ms. Mounce and felt that lunch trucks provide unfair competition to other businesses that pay fees and other costs associated with operating a business.

Continued September 13, 2005

Council Member Johnson emphasized the importance of prioritizing issues so that the limited number of code enforcement staff can make the most impact on matters of greatest concern to the City.

In reference to shopping carts, Mr. Wood stated that there is a shopping cart retrieval service in place; however, participation by stores is not 100% and the retrieval frequency is insufficient.

Mayor Pro Tempore Hitchcock felt that the City's zoning ordinance has not been kept up to date and should be amended to address all these issues.

In regard to the Community Improvement Award program, Mr. Wood stated that he would like to see the program expanded to allow staff and Council Members to nominate properties.

City Manager King stated that staff would be bringing back a proposed policy, which would include separate categories of enforcement activities for Council to prioritize.

Mayor Beckman favored placing a half hour time limit on lunch wagons so that it would be easier for staff to enforce.

Council Member Hansen disagreed, as he felt the intent should not be to overly restrict or eliminate mobile food units, but rather to develop a system where compliance with zoning and health and safety regulations is adhered to.

Council Member Johnson stated that when this matter is brought back for Council consideration he would like more information on the administrative hearing process and the amount of fines that are being levied. In addition, he wanted staff's input on the feasibility of doing periodic sweeps in the City on certain areas in which non-compliance is prevalent.

PUBLIC COMMENTS:

• Eileen St. Yves agreed that setting priorities was important. She felt that overcrowding on the east side was more important to address than violations of lunch wagons. She suggested that staff conduct a block-by-block focus on cleaning up certain areas and educating its residents. She commented that, beginning in 2006, eviction noticing requirements will be reduced from 60 to 30 days. She recommended that the City develop a "Code Court," on which attorneys serve and adjudicate cases. She offered the Rental Property Association as a resource for providing educational services.

C. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

D. ADJOURNMENT

No action was taken by the City Council. The meeting was adjourned at 8:28 a.m.

ATTEST:

Susan J. Blackston City Clerk

AGENDA ITEM B-01



AGENDA TITLE:

Review of Code Enforcement Processes

MEETING DATE:

September 13, 2005

PREPARED BY:

Community Improvement Manager

RECOMMENDED ACTION:

Receive a report and PowerPoint presentation on current and proposed code enforcement policies, procedures and processes.

BACKGROUND INFORMATION:

At the conclusion of the PowerPoint presentation, Council will be asked to comment on current policies and procedures related to code enforcement activities of the Community Development Department.

FUNDING:

Not applicable at this time.

Joseph Wood, Manager

Community Improvement Division

APPROVED:

Blair King, City Manager

filed 9-13-05

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Code Enforcement Program

City of Lodi Community Development Dept. Community Improvement Division



Code Enforcement in Lodi

- Fire Department
- SJC Environmental Health
- Police Department
 - Patrol
 - Partners
- Community Development Department



Fundamentals of Current Program

- Key Principles
 - Education First...
 - Enforcement Second.
 - Fair, Just, Reasonable
- Newest Principle
 - Those who create the additional demand for services, will pay the cost for the additional services.



Enforcement Priorities

- Immediate Fire, Health & Safety Issues
- Reactive/Complaint-driven
 - High Priority Complaints
 - Low Priority Complaints
 - High vs. Low: Community Impact
- Proactive/Patrol



Response Times

- Immediate Fire, Health & Safety Issues
 - Respond within 24 hours
- High Priority Complaints
 - Respond within 10 days.
- Low Priority Complaints
 - Respond within 30 days.
 - Initial Response May be Courtesy Notice
 - a 70-80% Compliance



Fundamentals of Current Program

- Scope of Enforcement Activities
 - Substandard Housing
 - Dangerous Building
 - Zoning
 - Nuisance
 - Building
 - Miscellaneous Codes/Department Referrals

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Scope of Enforcement Activities

Nuisance Case Types	Priority Level	
Property Maintenance	4 – Low	
Criminal/Illegal Activities	2 – High	
Noise	3 – Low	
Garage Sales	4 - Low	
Vehicle Abatement	2 – High	
Vendor Violations	3 – Low	
Illegal Dumping	2 – High	
Camper/Trailer Occupancy	3 - Low	



Scope of Enforcement Activities

Building Case Types	Priority Level	
Work Without Permits	1 – High	
Lot Drainage	4 – Low	
Unlicensed Contractors	3 – Low	
Construction Activities	3 - Low	
Public Works Case Types (Referrals)		
Encroachment Violations	3 – Low	
Stormwater Violations	2 - High	



Policies of Current Program

- Confidentiality
 - Reporting Party information not divulged.
 - Anonymous complaints discouraged.
- Retaliatory Complaints
 - Accepted Not Given Greater Priority
 - Confidentiality Not Guaranteed



Observations of Current Program

- Immediate Health & Safety Concerns
 - Small Percentage of Total Complaints
- High Priority Concerns
 - Housing & Dangerous Building Complaints
 - Most Time Consuming
- Low Priority Concerns
 - Majority of the Complaints Received
 - Majority Addressed through Courtesy Notice
 - 70-80% Compliance



Observations of Current Program

- Documentation is extensive.
 - Report writing, Notices.
- No Proactive Enforcement Program
 - There is a need in some areas.
- Need to Streamline Process
 - Allow for Quicker Resolution/Adjudication
 - More Effective, More Efficient
 - Provide for Effective Cost Recovery



Observations of Current Program

- Need For Emphasis on...
 - Education
 - Access in the schools.
 - Community Involvement Volunteer efforts.
 - Continued Collaborations
 - City Departments
 - County/State Agencies
 - Central Valley WasteOutside Organizations

 - Keep America Beautiful



Candidates for Proactive Attention

- Unpermitted Businesses
 - Lunch Wagons
 - Vendors
- Neighborhood Blight
 - Certain neighborhoods have become recurring nightmares for enforcement.
 - Lack of complaints not indicative of the true condition of the neighborhoods.



Candidates for Proactive Attention

- Abandoned Shopping Carts
 - State has established guidelines for local ordinances.
 - Retrieval Service is provided in Lodi.
 - Participation not mandatory.
- Expand Recognition Program
 - Community Improvement Award



Council Comments and Questions

- Agree with Current Policies, Priorities and Procedures?
- Agree with Observations?
- Agree with Proactive Proposals?
- Other Ideas?

6



Next Steps...

- Develop Policy Statement.
- Develop Streamlining Changes.
- New Equipment Purchase.
 - State Grant Funds
- Bring These Items Back in October.

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